

AMENDMENTS TO THE DRAWINGS

Please replace Figs. 1 and 2 with the attached Replacement Figures in which labels are added for the “actuator rod (7)” and the “ferrule (5)”.

Attachment: Two (2) Replacement Sheets

REMARKS

Summary Of The Office Action & Formalities

Status of Claims

Claims 1-13 are all the claims pending in the application.

Information Disclosure Statement

Applicants thank the Examiner for considering the *U.S.* and *foreign* references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on June 23, 2005.

See Office Action of September 26, 2008.

However, the Examiner did not initial the Non Patent Literature Document “Patent Abstracts of Japan” on the form PTO/SB/08. Accordingly, Applicants respectfully request that the Examiner initial all of the documents listed on this form and return the completely initialed form to the Applicants.

Drawings

The Examiner objected to the drawings under 37 CFR 1.83(a) because they allegedly fail to show the “actuator rod (7)” and the “ferrule (5)” as described in the specification.

Applicants attaches herewith corrected drawing sheets containing labels for the the “actuator rod (7)” and the “ferrule (5).”

Accordingly, Applicants respectfully request that the Examiner withdraw this objection to the drawings.

Claim Rejections Under 35 U.S.C. § 112, second paragraph

The Examiner rejected claim 3 under 35 U.S.C. § 112, second paragraph¹, as being indefinite. *See* page 3 of the Office Action. Applicants respectfully submit that claim 3 does not recite “the guide means,” as alleged by the Examiner. Instead, claim 3 merely recites “guide means.”

“A claim is indefinite when it contains words or phrases whose meaning is unclear.” *See* MPEP 2173.05(e). Applicants submit that the meaning of “guide means” is not unclear since the term refers to two means, referenced by reference numbers 63 and 65. Accordingly, Applicants respectfully request the Examiner to withdraw this rejection.

Art Rejections

1. Claims 1-7 and 11-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ritsche (US 5,950,879).

2. Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ritsche (US 5,950,879) in view of VanBrocklin (US 6,036,059).

Applicants respectfully traverse.

Claim Rejections - 35 U.S.C. § 102

1. *Claims 1-7 And 11-13 In View Of Ritsche (US 5,950,879).*

In rejecting claims 1-7 and 11-13 in view of Ritsche (US 5,950,879), the grounds of rejection state:

Claims 1-7,11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ritsche (5,950,879).

¹ Although not explicitly stated by the Examiner, Applicants assume that the Examiner intended to reject claim 3 under 35 U.S.C. § 112, second paragraph.

The Ritsche reference discloses a fluid dispenser having a chamber (17), an inlet valve (27), outlet valve (21), a push button (59,54,56) forming a fastener sleeve (59), a vent passage (34, during discharge delivery) that is closed in the rest position by a cone-shaped sealing contact (), a sealed slide cylinder (see fig.2) which is formed by a body (11), a piston (18) including a lip (19), an actuator rod (see fig.2, 23) defining a housing (49), a bearing flange (38) which is formed by a ring (see fig.2; col.5, line 59&60), a ferrule (12), a top portion (see fig.2), a bottom portion (see fig.2); and wherein the sealed slide cylinder (see fig.2) is situated above the bearing flange (38); and wherein the sealed slide cylinder defines a bottom abutment end (see fig.2); and wherein the piston is provided with a guide means (16,33); and wherein the guide means includes a top guide sleeve (33) and a bottom guide sleeve (16); and wherein the top sleeve (33) surrounds the actuator rod (see fig. 2.23). Also the Ritsche reference discloses the functional language of the claimed limitations.

Office Action at page 3. Applicants respectfully traverse this rejection because the reference fails to describe each and every element as set forth in the claims, either expressly or inherently.

Specifically, Ritsche does not disclose or suggest: "the sealed slide cylinder (14) being situated above the bearing flange (42), at the top portion, so that it cannot be inserted into a reservoir neck," as recited in claim 1.

"In conventional manner, the pump is mounted inside the reservoir neck, with the slide cylinder of the piston being contained completely inside the neck. In general, the necks of perfume bottles, or bottles for pharmaceutical substances, present a diameter that is relatively small, such that the sealed slide cylinder must extend over a height that is relatively long in order to define chamber volume that is acceptable." *See* page 1 of the specification as filed. As a result, slide cylinder and piston are located inside the reservoir neck, *i.e.*, below a flange of the reservoir body. In order to overcome the disadvantages of the conventional techniques, in a non-limiting exemplary embodiment of the present invention, "a sealed cylinder . . . is situated above

the bearing flange [of the reservoir body], so that it cannot be inserted into a reservoir neck.” See page 2 of the specification as filed.

Ritsche relates to a dispenser for discharging media. Ritsche’s FIG. 2 depicts a seal 38 that is connected to the notched ring 43 of the neck 5 of the body. Seal 38 extends inwardly and forms a frustoconical section having an inner and lower end connecting to a body 11. The upper inner wall of this body defines a cylindrical path 16, against which the end face 19 of piston 18 slides. As Ritsche’s FIG. 2 clearly shows, the slide cylinder or path 16 of the piston 18 is located inside the reservoir neck, below the seal 38 and notched ring 43 of neck 5. In other words, Ritsche teaches a conventional dispenser that has been discussed above.

By contrast, claim 1 recites a “sealed slide cylinder (14) being situated above the bearing flange (42), at the top portion, so that it cannot be inserted into a reservoir neck.” As a result, Ritsche does not disclose or suggest each and every element as set forth in the claim, either expressly or inherently.

Therefore, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(b) be reconsidered and withdrawn. Claims 2-7, and 11-13 depend from claim 1 and are patentable at least by virtue of their dependency.

2. Claim 9 In View Of Ritsche (US 5,950,879) And VanBrocklin (US 6,036,059).

In rejecting claim 9 in view of Ritsche (US 5,950,879) and VanBrocklin (US 6,036,059), the grounds of rejection state:

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ritsche in view of VanBrocklin (6,036,059).

The Ritsche reference discloses substantially all the structure and functionality of the invention, however this reference lacks a precompression spring situated outside the chamber.

The VanBrocklin reference teaches an actuation dispensing pump having a precompression spring (44) that is disposed outside the chamber (38), and is situated between the piston (16) and the stem/rod (24) for the purpose of "not allowing the piston to move upwards during actuation of dispensing pump" (col.4, lines 57-59).

Therefore it would be obvious to one having ordinary skill in the art at the time of the invention to have reasonably modified the Ritsche's device with a precompression spring located outside of the chamber, between the piston and stem/rod as taught by VanBrocklin in order to provide a simple way to have fluid passageway to the outlet without the piston restricting the flow in no such way.

Office Action at page 4. Applicants respectfully traverse this rejection. Claim 9 depends from claim 1. VanBrocklin does not remedy the deficiencies of Ritsche and claim 9 is thus patentable over Ritsche and VanBrocklin at least by virtue of its dependency from claim 1. Therefore, Applicants respectfully request that the rejection of claim 9 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Allowable Subject Matter

Claims 8 and 10 are objected to as being dependent upon a rejected base claim. *See* page 5 of the Office Action. Claims 8 and 10 depend from claim 1. Applicants have already demonstrated that Ritsche does not describe each and every element as set forth in claim 1, either expressly or inherently, and claims 8 and 10 are thus patentable at least by virtue of their dependencies from claim 1. Accordingly, Applicants respectfully request that the objection to claims 8 and 10 be reconsidered and withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/540,398

Attorney Docket No.: Q88616

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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CUSTOMER NUMBER

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